

# DRAFT

**ITEM #3**

**P.C. MEETING: 04/08/04**

## **PUBLIC HEARING**

COMMUNITY: Montclair/4<sup>th</sup> Supervisorial District  
APPLICANT: Eduardo Tan  
JCS/INDEX: 12050CF1/W54-111/TPM16511/2003/GPA01/TPM01  
PROPOSAL: A) General Plan Land Use District Amendment from Single Residential 20,000 SF minimum parcel size (RS-20m) to Single Residential (RS) on one acre;  
B) Tentative Parcel Map 16511 to create 4 parcels on one acre with variance to permit street side yard wall height up to 7 feet 5 inches in lieu of the maximum 4 foot, and setback 8 feet in lieu of the required 15 foot setback for Parcel 2 facing Vernon Avenue, and allow a 7 foot 5 inch wall in lieu of a maximum 6 foot wall along the west property line of the entire tract.

LOCATION: Vernon Avenue and Howard Street, northwest corner.  
REP(S): Eduardo Tan  
STAFF: Tina Twing

Ms. Judy Tatman, Supervising Planner, stated that she was presenting the item for Tina Twing, adding that it was a continued item from the March 18, 2004, Planning Commission hearing to allow the applicant to file for a variance for the wall height and setbacks to Vernon Street, and to advertise the variances to the surrounding property owners. She stated that staff revised Conditions of Approval items #4, 23, and 24 to reflect the variance, and that variance findings were included. She presented the staff report, which is on file with the Land Use Services, Current Planning Division.

Ms. Robin Cochran, Deputy County Counsel, reflected for the record that Commissioner Cramer was not participating in the hearing as he was not present at the previous presentation of the project.

## **PUBLIC TESTIMONY**

### **The following people testified on the proposal:**

- Kevin Lai, Civil Engineer for the project (Favor)
- Simon Lee, Architect for the project (Favor)
- Ralph Napravnik (N/A)

Mr. Kevin Lai, Civil Engineer for the project, stated he was in favor of the project.

Mr. Simon Lee, Architect, stated that the Conditions of Approval that was recommended at the previous Planning Commission meeting were acceptable to his client and they would comply.

Ralph Napravnik stated he was speaking on behalf of himself and his neighbor Jorge S. Duarte, adding they live on the north side of the Young Home tracts, and behind

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the subject project. He stated he had concerns with the privacy issue on the north side and the wall height, and his backyard elevation problems. He felt there would be a problem on the north side with the 6-foot wall height.

Discussion ensued between Commissioner Dowling and Mr. Napravnik regarding the neighbor's lot on the western side relating to the privacy issues, and the 6-foot wall height.

Mr. Napravnik asked if a variance could be applied to raise the back retaining wall to his property.

There being no one else in the audience to speak on this item, Chairman Laning closed the public testimony.

## **DISCUSSION**

Discussion ensued between the Commission and Julie Rynerson regarding the location of Mr. Napravnik's property in relation to the proposed project.

Commissioner Dowling commented on the request to raise the retaining wall, and felt it was not practical planning to continue to raise the wall height.

Judy Tatman commented on the Young Homes development, adjacent properties and the wall heights.

Commissioner Dowling motioned to Adopt the Negative Declaration, Adopt the General Plan Amendment W54-111/2004, to Approve the Tentative Tract Map 16511, Approve the Variance W54-111/2004, and Adopt the Findings as amended and contained in the Staff Report, and File a Notice of Determination.

Commissioner Mathews seconded the motion.

## **COMMISSION ACTION**

**RECOMMENDED** that the Board of Supervisors:

- A) **ADOPT** the Negative Declaration;
- B) **ADOPT** General Plan Amendment #W54-111/2004 to amend the Land Use District Map for this site from RS-20M (Single Residential, 20,000 square foot minimum lot size) to RS (Single Residential - 7,200 square foot minimum lot size) on 1.05 acres;
- C) **APPROVE** Tentative Parcel Map 16511 to create 4 parcels on 1.05 acres, subject to the recommended conditions of approval;

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- D) **APPROVE** Variance #W54-111/2004 to allow wall heights up to 7 feet 5 inches in height with 8 feet intermediate columns in lieu of the 4 foot height permitted by the Development Code, setback 8 feet from the ultimate right-of-way along Vernon Avenue, and a wall height up to 7 feet 5 inches along the entire western length of the property line of the subject site;
- E) **ADOPT** the Findings as amended in this report and as contained in the staff report; and
- F) **FILE** a Notice of Determination.

**MOTION: DOWLING**

**SECOND: MATHEWS**

**AYES:** Dowling, Kwappenberg, Laning, Mathews

**NOES:** None

**ABSENT:** Cramer

**ABSTAIN:** Cramer